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E-FILED on 4/2/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TIMOTHY CLEVELAND,

No. C-09-02376 RMW

Plaintiff,

ORDER GRANTING MOTION TO
WITHDRAW

v.

[Re Docket No. 19]

ISABELLA'S AT WHARFSIDE, INC., TENE
SHAKE, and CITY OF MONTEREY,

Defendants.

Counsel for defendants Isabella's at Wharfside, Inc. ("Isabella's") and Tene Shake moves to withdraw as attorneys of record. Defense counsel testifies that his clients breached an agreement regarding the payment of fees and costs. Under California Rule of Professional Conduct 3-700(C)(1)(f), counsel may seek permissive withdrawal if the client "breaches an agreement or obligation to the member as to expense or fees." Accordingly, the court grants the motion to withdraw. It is hereby ordered that Littler Mendelson, a Professional Corporation, including Todd K. Boyer and Brian McMillan, be granted permission to withdraw from this case as attorneys representing Isabella's and Tene Shake.

The address at which defendants Isabella's and Tene Shake will receive service is: 1410 Manor Rd. Monterey, CA 93940, unless otherwise advised in writing by defendants.

1 As a corporation, Isabella's may not appear *pro se*. Civil L.R. 3-9(b). It must obtain new
2 counsel and direct its new counsel to file a notice of appearance by May 14, 2010. If no appearance
3 is made by May 14, 2010, Isabella's will be subject to having its answer stricken and default entered
4 against it.

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7 DATED: 4/2/10

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RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been sent to:**

2 **Counsel for Plaintiff:**

3 Celia Louise McGuinness cmcguinness@reinlawoffice.com
4 Paul Leslie Rein reinlawoffice@aol.com

5 **Defendants:**

6 Tene Shake
7 Isabella's at Wharfside, Inc.
1410 Manor Rd.
Monterey, CA 93940

8 **Counsel for Defendants:**

9 Todd Kenneth Boyer tboyer@littler.com
10 Claudia Leed leedc@stubbssleone.com
11 Louis A. Leone lleone@stubbssleone.com

12
13 Counsel are responsible for distributing copies of this document to co-counsel that have not
14 registered for e-filing under the court's CM/ECF program.

15
16 **Dated:** 4/2/10

17 CCL
Chambers of Judge Whyte

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